

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re C.H. Robinson Worldwide, Inc.,)	CASE NO. 07-MD-01849
)	(JNE)
Overtime Pay Litigation)	
)	
)	
)	

DECLARATION OF LAWRENCE P. SCHAEFER

After first being duly sworn, I, Lawrence P. Schaefer, state the following:

1. I am Of Counsel to the law firm of Mansfield, Tanick & Cohen, P.A. (MTC), and am Lead Counsel representing the male opt-in plaintiffs in this case.

2. Following notification of the tentative settlement of the female opt-in plaintiffs' claims, I engaged in weeks of arms-length negotiations with defendant's counsel. As a result of these negotiations, the male opt-in plaintiffs and C.H. Robinson Worldwide, Inc. ("CHRW") agreed to the same formula as the female opt-in plaintiffs for determining how to calculate lost overtime compensation for all male opt-in plaintiffs depending on their tenure, the dates during which they were employed by CHRW, their job classification and the likelihood of success on the merits of their claims. Beginning on May 10, 2007, MTC sent informational emails and letters to each of the affected 332 male opt-in plaintiffs explaining how the formula applied to him and inquiring whether he consented to settle his overtime compensation claim for the amount derived from

the formula.¹ Following discussions with these clients and securing their agreement to the settlement amount, we sent a Settlement Agreement and General Waiver and Release for each opt-in plaintiff to execute if he consented to settle his claim for the amount derived by the formula.

3. To date, MTC has received 306 (*faxed copy only of M. Earl*) executed Settlement Agreements and General Waiver and Releases from the following male opt-in plaintiffs and have provided Defendant CHRW with these documents.

- | | |
|-----------------------------|---------------------------|
| 1. Justin Accola | 24. Craig Bowen |
| 2. Keith Aiken | 25. Marco Boyd |
| 3. Roberto Ainza | 26. Nicholas Brandt |
| 4. Gregory Alpert | 27. Anthony Braxton |
| 5. Anthony "Lance" Alred | 28. Rodney Brewer |
| 6. Bryce Amburn | 29. Adam Britton |
| 7. Brad Angeles | 30. James Brown |
| 8. Bradley Antonacci | 31. Jamal Broy |
| 9. David Arevalo | 32. Daniel Buesgens |
| 10. Robert Atwater | 33. Timothy Bumgarner |
| 11. Marc Baker | 34. Trevor Burlison |
| 12. Jeffrey Balbo | 35. Rian Burnett |
| 13. Phillip Justin Barnette | 36. Ian Cannon |
| 14. James Bartolotta, Jr. | 37. Matthew Carter |
| 15. Rodney Barton | 38. Mark Casper |
| 16. Chad Barylski | 39. Gerard Catalano |
| 17. Matthew Beavers | 40. Brian Cherry |
| 18. Lazaro Benitez | 41. Christopher Cherubini |
| 19. Jason Bergquist | 42. Rodney Church |
| 20. Brent Birdsong | 43. Jeffrey Cichosz |
| 21. Chad Birdsong | 44. Charles Clark |
| 22. Michael Blackburn | 45. Brendan Clarke |
| 23. Russell Boullion | 46. Kenneth Clarkson |

¹ Per the agreement between the parties, some minor adjustments were made in allocating the awards produced by the formula to individual opt-in plaintiffs. The parties agreed that so long as the aggregate amount Defendant would have to pay would not increase, slight adjustments to the formula allocation between opt-in plaintiffs would be permitted, and this has occurred.

47. Ronald Clasen
48. Douglas Cohn
49. Jason Coleman
50. John Seth Collins
51. Matthew Cooke
52. Will Cooley
53. Steven Cox
54. Gilberto Crespo
55. Adam Croft
56. Patrick Cullen
57. Jason Davis
58. Michael Davis
59. Timothy Davoren
60. Michael Dawson
61. Archie Deacon
62. Jose DeRosa
63. Gregory DeYoung
64. Robert Dixson
65. Guy Doggan
66. Brian Dolan
67. Marc Dorau
68. Anthony Dorn
69. Kevin Dorrell
70. Wade Duffy
71. Cord Dukewits
72. Marc Earl
73. Travis Edleman
74. David Edson
75. Gardner Edwards
76. John Ellis
77. Joel Elmore
78. James Elwood
79. Grant Erlandson
80. Samuel Fallon
81. Nicholas Fanelli
82. Enrico Fantozzi
83. Kevin Ferguson
84. John Figore
85. Matthew Fisch
86. William Foran
87. Benjamin Forrest
88. Jeffrey Fox
89. J. Nathan Frost

90. Jason Galloway
91. Daniel Gasteazoro
92. David Gault
93. Scott Georger
94. Ernesto German
95. Kelcey Gilbert
96. John Gilmore
97. John Giovannoni
98. Michael Godwin
99. Keith Gordon
100. Jeff Green
101. Steven Green
102. Wallace "Kip" Guenther
103. Symon Guerra
104. Robert Gustafson
105. Alejandro Gutierrez
106. Travis Haddock
107. Thomas Hagan
108. James Hale
109. Brent Hall
110. Thomas Halligan
111. Eric Halpern
112. William Hannah
113. Nickolas Harmon
114. Richard Harper
115. Mark Harrington
116. Daryl Harris
117. Benjamin Harrison
118. Christy Harrison
119. Kevin Hart
120. Benjamin Hartmann
121. Mark Hawke
122. Ryan Hebert
123. Jason "Randy" Hedlund
124. Christopher Heimel
125. Bremen Hentzel
126. Jay Hicks
127. Warren Hicks
128. Ethan Hill
129. Robert Hillard
130. Judd Hirschfeld
131. William Holmberg
132. Daniel Hoover

133. Chad Hubble
134. Elmer Huber II
135. Aaron Hudson
136. Scott Hyder
137. Casey Irgens
138. Jeffrey Jackson
139. Stephen Jaworski
140. Kevin Jay
141. Daniel Johnson
142. James A. Johnson
143. James B. Johnson
144. Trever Johnson
145. Jordan Johnston
146. Antoine Jones
147. Matthew Keim
148. Dirk Keiser
149. Cameron Keller
150. Sylvester Kerwin
151. Brad Kinsey
152. Jonathan Kirby
153. John Klimczyk
154. Armond Kocsis
155. Robert Kohler
156. Jeffery Kolb
157. Gene Kuhn
158. Milly Kukral
159. Joseph Larson
160. Joseph Laskowski
161. Kip Lass
162. Timothy Layman
163. John Layne
164. Briac Le Camus
165. Joseph "Ty" Ledgerwood
166. Anthony Ledvina
167. Robert Lester
168. Matthew Leuer
169. Todd Levering
170. Nikoloz Lezhava
171. Jeffrey Lichon
172. James Liskinski
173. Timothy Louie
174. David Ludvig
175. Paul Lueck
176. Carlos Lujan
177. Norbert Lukacs
178. Andrew Lundsberg
179. Steven Lynn
180. William Mackiewicz
181. Bryan Majercik
182. Manuel Martinez Diaz
183. Luis Martinez
184. Dave Maty
185. Daniel Mazzara
186. Shawn McCabe
187. Maurice McCarthy
188. Matthew McFerren
189. Kevin McGee
190. Martez McGee
191. Patrick McGee
192. Monty McHugh
193. Brian McVay
194. Charles Meyers
195. Keith Minarik
196. Matthew Minthorn
197. Patrick Monagan
198. Brian Morgan
199. Timothy Morris
200. Greg Mudd
201. Kenneth Mumper
202. Jonathan Munson
203. Michael Murphy
204. Todd Myers
205. James Napoleon
206. Dana Nelson
207. Scott Newland
208. Eric Nicholson
209. Kevin Nolan
210. Daniel Nolin
211. Mark Nolte
212. Casey Norvall
213. Nowinski, Thomas
214. Seann O'Gara
215. Adam Olrich
216. Kym Orange
217. Gary O'Shea
218. Dwayne Overton

219. Quintin Owens
220. Brian Paoello
221. Sean Patin
222. Jeffrey Pattyn
223. Brent Peters
224. Christopher Petersen
225. Darren Phillips
226. Gary Phillips
227. Shawn Phillips
228. Charles Pinson
229. David Plamondon
230. John Power
231. Jack Prentice
232. Javier Quiroz
233. Timothy Randolph
234. William Reap
235. Steven Rebernak
236. Christopher Reed
237. Darren Reid
238. John Renfro
239. Jamie Rogers
240. Roy Rogin
241. Charles Rorabacher
242. George Rossi
243. Kelly Rozen
244. Randall Rubiales
245. David Rubio
246. Gildo Russo
247. Jay Rzepinski
248. Octavio Salazar
249. Richard Schager
250. Michael Scheuren
251. Matthew Schmitt
252. Eric Schriever
253. Edward Sealey
254. Michael Sell
255. William Shanahan
256. Christopher Sims
257. Scott Skrien
258. Chad Slaughter
259. Aaron Smith
260. Hunter Smith
261. Jeffrey Smith

262. Sean Smith
263. Thomas Soehlke
264. Andrew Solomon
265. Marko Sosa
266. Ivan Soto
267. Jeffrey Stachon
268. Derrick Stein
269. Darik Steinbach
270. Mark Taussig
271. James Taylor
272. Kevin Taylor
273. Brian Tiell
274. Joshua Tingler
275. Jeffrey Todd
276. Carl Tong
277. Matthew Trees
278. Frank Urso
279. Jose Valencia
280. Keith Vallee
281. Dustin Veenendall
282. Oddgier Vik
283. Joshua Wacek
284. Jeffrey Waechter
285. Scot Wahlquist
286. Adam Wakefield
287. Chad Wakefield
288. Michael Wallace
289. Michael Warwick
290. John Wayman
291. Michael Weiss
292. Erich Weiter
293. Kevin Welsh
294. Michael Whelan
295. Daniel Whitlatch
296. Timothy Wiese
297. Cornelius Williams
298. Randolph Wolfe
299. Morgan Wood
300. William Williamson
301. Casey Wilson
302. Joshua Wilson
303. Scott Wise
304. Lathan Withers

305. Scott Worrall

306. Scott Yee

4. Thirteen opt-in plaintiffs have expressed to MTC a desire to dismiss or withdraw their claims. We have received dismissal paperwork, which has been filed and approved by the Court, from the thirteen clients listed below.

1. Kent Alles
2. Timothy Baierlien
3. Jack Callahan
4. Christian Hanninen
5. Andrew Haverkamp
6. Randall Hibbs
7. William Horne
8. Justin Jones
9. Robert Kulig
10. Nathan Neuhart
11. Peter Roney
12. Robin Smith
13. Matt Tukua

5. Eight opt-in plaintiffs have expressed to MTC a desire to dismiss or withdraw their claims but they did not return dismissal paperwork. Judge Ericksen has ordered the dismissal of the following client's claims:

1. Richard Cahn
2. Richard Comunale
3. Sergio Cordon
4. Reginald Ellsworth
5. Mark Goldberg
6. James Kiehn
7. Nicholas Klein
8. Jose Lozano

6. Of the remaining 5 opt-in plaintiffs, 3 have agreed to accept (conveyed orally and in writing in e-mail) their proposed settlement amounts. Beginning on August 8, 2007, we began sending our clients the Settlement Agreement and General Waiver and Release to sign and return. Since then, we have sent follow-up emails and certified letters to these plaintiffs reminding them of their obligation to execute the Settlement Agreement and General Waiver and Release. We have not yet received signed settlement agreements from Scott Evans, Steven Giles, or David Kreidler.

7. Scott Evans approved the settlement and on July 5, 2007, Ms. Grom sent him the settlement agreement. On October 17, 2007, Mr. Evans told Kevin Terry, a legal assistant at MTC, that he was going to send in the agreement. On November 15, 2007, Ms. Grom spoke with Mr. Evans and learned that the agreement was sent to an incorrect address. It was resent November 15, 2007 and Mr. Evans said that he will send the completed paperwork to MTC. Ms. Grom spoke with Mr. Evans on January 17, 2008 and he said that he will send the completed paperwork to MTC.

8. Steven Gile approved the settlement and on July 6, 2007, Mr. Terry sent him the settlement agreement. On October 17, 2007, Mr. Evans told Mr. Terry that he was going to send in the agreement. Mr. Terry sent him the settlement agreement on October 17, 2007. Ms. Grom attempted to contact him on November 15, 2007 by telephone and email. MTC has not yet received Mr.

Gile's agreement. In addition, Ms. Grom attempted to contact him on January 17, 2008 by telephone.

9. David Kreidler approved his settlement award on May 30, 2007. Ms. Grom sent his settlement agreement paperwork on August 9, 2007 by email. Because Mr. Kreidler did not return the paperwork, Ms. Grom resent the paperwork by certified mail on September 25, 2007, an email on October 10, 2007, and email on October 30th, and a letter by regular mail on November 5, 2007. Ms. Grom also attempted unsuccessfully to contact Mr. Kreidler by telephone on September 11, 2007, September 24, 2007, October 8, 2007, October 24, 2007, October 30, 2007, and November 11, 2007. Mr. Kreidler has not yet returned the agreement to MTC. In addition, MTC attempted to contact him on January 17, 2008 by telephone.

10. Finally, two opt-in plaintiffs have been totally non-responsive. MTC has attempted to contact Andre Smith by email, phone, regular and certified mail at least eight times between the dates of May 9, 2007 and September 12, 2007. In compliance with Judge Ericksen's December 21, 2007 Order, MTC sent certified letters with the Notice of Required Response enclosed to his last known address. MTC has not received a return envelope or a response from Mr. Smith and he has not completed or returned the Notice of Required Response despite the notification that this failure could result in the dismissal of his claim with prejudice. Mr. Smith has not approved the settlement and has not contacted us in

response to these communications and we are therefore seeking to withdraw from continued representation of him due to this lack of response.

11. MTC has attempted to contact Boris Sazhaev by email, phone, regular and certified mail at least eight times between the dates May 9, 2007 and June 28, 2007. In compliance with Judge Ericksen's December 21, 2007 Order, MTC sent certified letters with the Notice of Required Response enclosed to his last known address. MTC has not received a return envelope or a response from Mr. Sazhaev and he has not completed or returned the Notice of Required Response despite the notification that this failure could result in the dismissal of his claim with prejudice. Mr. Sazhaev has not approved the settlement and has not contacted us in response to these communications and we are therefore seeking to withdraw from continued representation of him due to this lack of response.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 17th day of January 2008 in Minneapolis, Minnesota.

s/ Lawrence P. Schaefer

Lawrence P. Schaefer